

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
AMARILLO DIVISION**

**DARRELL KIMBROUGH, MSN, FNP-C,
MARY BENARD, MSN, FNP-C, and
TINA SPOHN-LEDFORD, MSN, FNP-C;**

Plaintiffs,

VS.

CIVIL ACTION NO. 2:18-CV-82-D-BR

**NAEEM KHAN, M.D. and AMARILLO
URGENT CARE, LLC**

Defendants.

**DEFENDANTS' OBJECTIONS TO PLAINTIFFS' AMENDED PRETRIAL
DISCLOSURES**


COMES NOW, Defendants Naeem Khan, M.D. and Amarillo Urgent Care and pursuant to Rule 26(3)(B) file their objections to Plaintiffs' amended pretrial disclosures as follows:

Trial Exhibit	Doc Date	Description	Beg Bates	Ending Bates	Objection
1		Amarillo Urgent Care and Dr. Khan Employee Handbook	D*000830	D*000842	
2		October 2017 - June 2018 calendars with providers scheduled	D*000205	D*000213	
3		Calendars with providers scheduled (various months)	P-000001	P-000014	
4	9/29/2016	Darrell Kimbrough Employment Agreement	D*000235	D*000236	
5	10/6/2016	Darrell Kimbrough 2016 W-4	D*000494	D*000494	
6		Darrell Kimbrough 2017 and 22018 W-2	DK-000019	DK-000019	
7		Darrell Kimbrough Payroll Register	D*00077	D*00077	
8		Darrell Kimbrough Detailed Payroll History	D*00078	D*000106	
9		Darrell Kimbrough Pay Stubs	D*000108	D*000133	
10	11/5/2017	Darrell Kimbrough IP address log-in listing for Darrell Kimbrough	D*000134	D*000135	
11	11/5/2017	Darrell Kimbrough IP address log-in listing and working hours summary	D*000134	D*000136	
12		Darrell Kimbrough Home Charting Estimates	DK-000001	DK-000001	Rule 403; Prejudicial and Confusion
13	1/25/2018	Handwritten cover note re: Concentra Letter	D*000216	D*000216	
14	1/25/2018	Authorization and Release of Information to Designated Contacts from Darrell Kimbrough	D*000217	D*000217	
15	1/29/2018	Screenshot of text message exchange between Cris Rico/Khan Naeem and Darrell Kimbrough	D*000218	D*000219	
16	5/10/2018	E-mail to C. Rico from Lauren Williams, PayPro Payroll Specialist, re: Darrell Kimbrough and overtime owed	D*000222	D*000222	
17	5/10/2018	Email from Lauren Williams, Payroll Specialist with Propay, to Cris Rico re: Darrell Kimbrough and calculating overtime owed	D*000492	D*000492	Rule 802; Hearsay, Rule 805; Hearsay within Hearsay
18	5/10/2018	Email from Lauren Williams, Payroll Specialist with Propay, to Cris Rico re: Darrell Kimbrough and calculating overtime owed	D*000510	D*000510	Rule 802; Hearsay, Rule 805; Hearsay within Hearsay
19	3/8/2018	3/8/2018 Letter from M. Warner to Concentra re: Darrell Kimbrough	D*0896	D*0897	Rule 802; Hearsay, Rule 805; Hearsay within Hearsay
20	3/12/2018	3/12/18 Letter from M. Warner to Concentra sending employment agreement between Naeem Khan/Amarillo Urgent Care and Darrell Kimbrough	D*0898	D*0900	Rule 802; Hearsay, Rule 805; Hearsay within Hearsay
21		Screenshots of text messages between Darrell Kimbrough and Cris Rico (1/29/2018-4/18/2018)	DK-000004	DK-000015	
22	1/5/2018	Concentra offer letter to Darrell Kimbrough	DK-000016	DK-000018	Rule 802; Hearsay, Rule

					805; Hearsay within Hearsay
23	2/1/2017	Tina Spohn-Ledford Employment Agreement (w/handwritten note)	D*000237	D*000238	
24	2/1/2018	Tina Spohn-Ledford Employment Agreement (w/handwritten notes; unexecuted)	D*000651	D*000653	
25	12/8/2017	Tina Spohn-Ledford Request Off Form	D*000820	D*000820	
26	10/13/2016	Tina Spohn-Ledford 2016 W-4	D*000654	D*000654	
27		Tina Spohn-Ledford 2016 W-2	TSL-000083	TSL-000083	
28		Tina Spohn-Ledford 2017 W-2	TSL-000084	TSL-000084	
29		Tina Spohn-Ledford 2018 W-2	TSL-000085	TSL-000085	
30		Tina Spohn-Ledford Payroll History	D*000138	D*000141	
31		Tina Spohn-Ledford Payroll Register	D*000142	D*000155	
32		Tina Spohn-Ledford Detailed Payroll History	D*000156	D*000198	
33		Tina Spohn-Ledford Detailed Payroll History	D*1025	D*1034	
34		Tina Spohn-Ledford Home Charting Estimates	TSL-000047	TSL-000050	Rule 802; Hearsay, Rule 805; Hearsay within Hearsay
35		Tina Spohn-Ledford IP address log-in listing with handwritten cover page	D*000199	D*000204	
36		Tina Spohn-Ledford IP address log-in listing	D*000200	D*000204	
37		Audit View Report for Tina Spohn-Ledford EMR Logins - 4/2/2018-6/21/2018	D*1001	D*1021	
38	undated	Letter from Melissa Chavez re: Tina Spohn-Ledford and provider charting	D*000215	D*000215	
39	3/15/2018	Check image: for payment to Tina Spohn-Ledford re: charts	D*000877	D*000877	
40	3/22/2018	Handwritten notes re: Tina Spohn-Ledford hourly payrate	D*000555	D*000555	
41		Record of hours worked for Tina Spohn-Ledford from 9/28/2016 to 8/14/2017	D*000571	D*000571	
42	3/26/2018	Meeting notes re: Melissa Meeting with Tina	D*000642	D*000642	
43	3/24/2018	Screenshots of text messages between Tina Spohn-Ledford and Dr. Khan	TSL-000052	TSL-000054	
44	3/27/2018	Screenshots of text messages between Tina Spohn-Ledford and Cris Rico	TSL-000055	TSL-000071	
45	5/10/2018	E-mail to C. Rico from Lauren Williams, PayPro Payroll Specialist, re: Tina Spohn-Ledford and overtime owed	D*000223	D*000223	
46	5/10/2018	E-mail to Cris Rico from Lauren Williams, PayPro Payroll Specialist, Pro Pay re: Tina Spohn-Ledford (and overtime owed)	D*000655	D*000655	
47		Overseeing Monthly Face to Face Meetings-Tina Spohn-Ledford	D*000682	D*000703	
48	6/1/2016	Mary Benard Employment Agreement	D*000224	D*000225	
49	9/18/2017	Mary Benard Employment Agreement	D*000226	D*000227	
50	4/1/2018	Mary Benard Employment Agreement	D*000228	D*000229	

Respectfully submitted,

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CERTIFICATE OF SERVICE

I Certify that on July 13, 2020, a copy of *Defendants' Objections to Plaintiffs' Amended Pretrial Disclosures* was served electronically on all known counsel for Plaintiffs:

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